

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARVIN RHODEN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL NO. 05-923-DRH
	)	
WILLARD O. ELYEA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

On February 15, 2006, Plaintiff moved this Court for voluntary dismissal of the action pursuant to Rule 41(a)(1)(I) of the Federal Rules of Civil Procedure (Doc. 6). Voluntary withdrawal of his complaint is Plaintiff's right prior to an answer from defendant, and, accordingly, this action is **DISMISSED WITHOUT PREJUDICE**.

The Clerk shall **CLOSE THIS CASE**.

**IT IS SO ORDERED.**

**DATED: March 1, 2006.**

/s/ David RHerndon  
**DISTRICT JUDGE**